

Application No. 10/623,588
Response dated October 26, 2006
Reply to Office Action of July 27, 2006



REMARKS

**Reconsideration and Allowance
are Respectfully Requested**

Claims 1-20 are currently pending. No claims have been amended. No claims have been canceled. No claims have been added. No new matter has been added. Reconsideration is respectfully requested.

Claim 1-20 rejected under 35 U.S.C. § 103(a), Lerner in view of Foley

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lerner (3,240,384) in view of Foley (3,483,285). This rejection is based upon the contention Foley teaches an “obvious equivalent structure” to the engaging member 66 having fingers 68, 70 of Lerner which move apart in order to snap on and off of a display board rod. In order for a structure to be equivalent it must perform substantially the same function in substantially the same way to achieve substantially the same result.

With regard to Foley, the heat shrinkable clamp for wrapping around electrical wires does not perform substantially the same function in substantially the same way to achieve substantially the same result as the snap clip engaging member 66 of Lerner. Thus, it is not an equivalent. This rejection is based upon impermissible hindsight in an attempt to construct the device claimed by Applicant.

The clamping structure of Foley is not intended to repeatedly clip on to and off of a display board rod. In fact, once heat set to shrink around electrical wires it is permanently closed in its encircling configuration. Therefore, the clamping structure of Foley cannot perform the same function

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as the engaging member of Lermer. It cannot be repeatedly used and cannot be considered an “obvious equivalent structure”. Further, if used in place of the engaging member of Lermer, the device of Lermer would be destroyed as the clamp would have to be slid on and off of the display board rod, which defeats the inventive concept of Lermer.

As such this rejection is deemed improper and should be withdrawn.

Claim 1-20 rejected under 35 U.S.C. § 103(a), Lermer in view of Truitt

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lermer (3,240,384) in view of Truitt (250,112). This rejection is based upon the contention Truitt teaches an “obvious equivalent structure” to the engaging member 66 having fingers 68, 70 of Lermer which move apart in order to snap on and off of a display board rod. In order for a structure to be equivalent it must perform substantially the same function in substantially the same way to achieve substantially the same result.

With regard to Truitt, the snap hook for securing a ring to a strap does not perform substantially the same function in substantially the same way to achieve substantially the same result as the snap clip engaging member 66 of Lermer. Thus, it cannot be considered an equivalent. This rejection is based upon impermissible hindsight in an attempt to construct the device claimed by Applicant.

The snap hook structure of Truitt is not intended to be repeatedly clipped on to and off of a display board rod or repeatedly clipped on to any structure. In fact, Truitt’s structure is for quickly and easily attaching to a leather rein. Truitt’s device includes one hook spring loaded and contained within the hollow shaft of another hook to form a loop in order to secure a ring within the loop. Although, it appears that the hooks could be repeatedly opened the hooks do not perform the function of

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snapping on to a rod. Therefore, the snap hook structure of Truitt cannot perform the same function as the engaging member of Lermer, as it cannot be repeatedly used to snap on to a rod and thus cannot be considered an "obvious equivalent structure". Further, if used in place of the engaging member of Lermer, the device of Lermer would be destroyed as the snap hook would be slid over and not clipped on to a display board rod, which defeats the inventive concept of Lermer.

As such this rejection is deemed improper and should be withdrawn.

Claim 1-20 rejected under 35 U.S.C. § 103(a), Lermer in view of Meyer

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lermer (3,240,384) in view of Meyer (641,316). This rejection is based upon the contention Meyer teaches an "obvious equivalent structure" to the engaging member 66 having fingers 68, 70 of Lermer which move apart in order to snap on and off of a display board rod. In order for a structure to be equivalent it must perform substantially the same function in substantially the same way to achieve substantially the same result.

With regard to Meyer, the harness for attaching a strap to a ring does not perform substantially the same function in substantially the same way to achieve substantially the same result as the snap clip engaging member 66 of Lermer. Thus, it cannot be considered an equivalent. This rejection is based upon impermissible hindsight in an attempt to construct the device claimed by Applicant.

The harness structure of Meyer is not intended to repeatedly clipped on to and off of a display board rod. Meyer's teaches two hooks which are clamped together, one on top of the other, by wedge part (C) on one hook and clasp (E) on the other hook. The wedge part is slid into the clasp part to lock the hooks together forming a loop for securing a ring. Therefore, it is clear that the harness structure

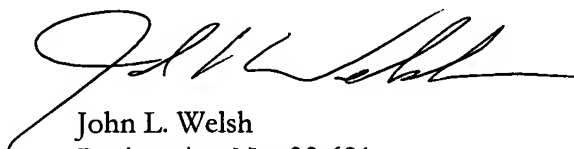
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of Meyer cannot perform the same function as the engaging member of Lermer as it cannot be repeatedly snapped on and off of a rod. If it were to be repeatedly used, the wedge part (C) and clasp part (E) would need to be slid apart and, if slid apart, it is not clear how they could remain attached to the cap. Thus, the harness structure of Meyer's cannot be considered an "obvious equivalent structure". Further, if used in place of the engaging member of Lermer, the device of Lermer would be destroyed as the harness would be slid over and not clipped on to a display board rod, which defeats the inventive concept of Lermer and the harness would need to somehow be removably attached to the cap.

These references, alone or in combination, fail to disclose or suggest Applicant's claimed invention and the rejections based thereon are deemed to be improper. It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested. These rejections are all based upon impermissible hindsight in an attempt to construct the device claimed by Applicant and have now been shown not to be so called "obvious equivalent structures".

If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact applicants' representative at the below number.

Respectfully submitted,



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